

1627. *June 26.* The LAIRD of INCHEMERTINE *against* The LAIRD of BOGMILNE.

THE Laird of Inchemertine, by libel, craved that a commission might be granted to a messenger to intromit with, shear, lead, and win the corns of Bogmilne, who was fled, and bankrupt; and to deliver the same to him, to be made forthcoming to all parties having interest. The Lords would not grant commission to a messenger, but to himself.

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1627. *July 6.* JANET ROLLO *against* _____.

JANET Rollo, assignee constituted by her sister, who was executor confirmed to her mother, pursues, upon this assignation, for a debt owing to their mother. The action is intented after the cedent's decease. The Lords will not sustain action upon the assignation made by the defunct's executor's cedent, except sentence had been received against the debtor, at the executor's instance, in her own lifetime; but, to supply all, the Lords ordained the assignee to confirm herself executrix to her mother, and the process to ly over in the meantime; and, after the confirmation, to reform the summons.

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1627. *July 7.* KERR, Tailor, *against* LADY COLLINGTON.

A CREDITOR of the defunct's husband pursues his relict, as executrix for the debt, and refers the same to the relict's oath; who being holden *pro confessa*, yet the Lords, advising the cause, find this probation of the debt will not infer exoneration to the executrix, if any other creditor pursue; but the Lords ordained her to pay the debt, and the pursuer to find caution to make the sum forthcoming to other creditors, as law will.

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1627. *July 9.* MOIR and M'INVAR *against* DUNBAR.

A JUDICIAL act of an inferior judge obliges no more than the assertion of a single notary.

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1627. *July 16.* THOMAS SWINTONE, Minister at St Coltham, *against* The EXECUTORS of his PREDECESSOR.

By act of General Assembly, holden at Monross, 28th June 1595, it was ordained, if a minister deceases any time before Michaelmas, his executors shall